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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,334	11/30/2001	Masahiro Sato	NGB-106-A	4987

7590 06/11/2003  
Carrier, Blackman & Associates, P.C.  
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Novi, MI 48375

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/997,334

Applicant(s)

SATO ET AL.

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-9 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☒ Other: *Changes to Patent Rules*.

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## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to claims filed 4/3/03 have been entered because they are in proper form.

The amendments to the drawings filed 4/3/03 were not in proper form because there should have been copies of the original drawings with changes marked in red accompanying the amended drawings. Hence, the drawings have not been approved by the examiner because it cannot be ascertained what has and has not been changed.

The specification has not been amended as requested on 4/3/03 because the changes were not in proper form. Either there should have been clean versions of replacement paragraphs accompanied by marked up versions showing changes made, or there should have been a clean version of a substitute specification accompanied by a marked up version of the specification showing changes made along with a statement that the substitute specification contains no new matter.

Note the material entitled "Changes to the Patent Rules" accompanying this action.

The specification should be properly amended with applicant's next correspondence or that correspondence/amendment may be held nonresponsive.

2. Because the amendments to the specification were not entered, to objections to the drawings and specification raised in the first Office Action mailed 1/6/03 remain.

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*Claim Rejections - 35 USC § 112*

3. Claim 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 depends from itself. Also in claim 18, there is no clear antecedent basis for “the volume of air” (“air bag” is a misnomer; air is not typically used to fill an air bag).

*Claim Rejections - 35 USC § 102*

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 7, and 16-20 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al (of record).

Shiota et al discloses an air bag folded and housed in an instrument panel (column 1, lines 15-25) and inflated by an inflator 16 when the vehicle collides (column 1, lines 15-25). As seen in Figure 2, gas from the generator flows into an opening portion of the air bag (at the left side of the bag in Figure 2). A gas flow path extends continuously from the opening portion above and below cavity 20, and the gas flow path extends continuously to an occupant restraint portion at the right side of Figure 2. Therefore, gas flows continuously from the opening portion to the occupant restraint portion through the gas flow path portion. Cloth 108 is a penetrating portion extending through the gas flow portion (claim 1).

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Regarding claim 2, the penetrating portion 108 divides the gas flow path portion into two flow paths at least.

Regarding claim 7, as functionally recited, penetrating portion 108 reduces an opening area of the gas flow path portion.

In regard to claims 16-17, Shiota et al teaches the penetrating portion being sealed (note Shiota et al, column 3, lines 1-4, where the ends of cloth 108 are both seamed to openings 106, 107 in side panels 104, 105, and also note column 4, lines 15-21, where Shiota et al teaches that vent holes 24, 24a may be disposed some other place than facing cavities 20, 20a and hence some other place than on penetrating portion 108, leaving the penetrating portion sealed).

Regarding claim 3, Shiota et al's cloth 108 is also a "joint portion" as broadly recited in that it is a portion joined by sewing to the side walls 104, 105 of the air bag 10. As functionally recited in claim 18, the penetrating portion extends through the gas flow path portion and restricts the volume of air that flow therethrough. As discussed previously (claims 19-20), the joint portion 108-would reduce the volume of the air bag and connects opposing sections of the gas flow portion inasmuch as applicant's disclosed invention (i.e., it connects those portions of the side walls 104, 105 forming the gas flow portion by sewing).

6. Claims 3, 5 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama (of record).

Maruyama discloses an air bag in a folded state housed in an instrument panel inflated by inflator 16 when the vehicle collides (column 1, lines 15-25), the air bag having an opening portion attached to container 12 receiving gas from inflator 16, a gas flow path portion 22, 24

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extending continuously from the opening portion, and an occupant restraint portion at 23. The occupant restraint portion 23 extends continuously from the gas flow portion, wherein the gas flow from the opening portion to the occupant restraint portion through the gas flow path portion. At least one joint portion 25 is located within the air bag, the joint portion dividing the gas flow path portion into two or more paths 22, 24 for flowing the gas from the opening portion to the occupant restraint portion through the gas flow portion (claim 3). The joint portion is formed by sewing parts 20a, 10 of the air bag portions forming the gas flow portions together (note the first two lines of the abstract, where the air bag is formed of a panel and guide member (20)) (claim 5).

Maruyama's bag has a plurality of joint portions (i.e., one on either side of pieces 20a and 20b), the joint portion(s) reduce an area of the gas flow path portion (by holding pieces 20a, 20b in place), and the joint portions in holding pieces 20a, 20b in place divide the gas flow path portion into multiple flow paths 22, 24 (claims 12-15).

### *Claim Rejections - 35 USC § 103*

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shiota et al to include a plurality of penetrating portions such as cylindrical

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cloth 108 in order to reduce the volume necessary to fill the air bag (column 4, lines 23-33) using an obvious design variant (case law (St. Regis Paper Co. v. Bemis Co. Inc., 193 USPQ 8, 11 (7<sup>th</sup> Cir. 1977) holds that it is obvious to duplicate parts (i.e., use more than one cylindrical cloth) for multiplied effect (to require even less gas to inflate the bag)). The penetrating portions in the obvious design variant would reduce an opening area of the gas flow path portion as functionally recited.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abramczyk et al shows a vent located at the front bottom of an air bag.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703/746-3508 for regular communications and 703/308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth  
Primary Examiner  
Art Unit 3616

*Eric Culbreth*  
*6/6/03*

ec  
June 6, 2003